

BY HAND

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Richard Kroczek

Application No.: 09/509,283

Group Art Unit: 1644

Filed: August 11, 2000

Examiner: J. Roark

For: ANTI-HUMAN COSTIMULATING
T-CELL POLYPEPTIDE
MONOClonal ANTIBODIES

Attorney Docket No.: 7853-215

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**STATEMENT OF ATTORNEYS FOR APPLICANTS REGARDING
PERMANENCE AND AVAILABILITY OF DEPOSITED MICROORGANISMS**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

We, attorneys for the Applicants in the above-captioned application, declare
and state:

1. That we represent the Applicant and Bundesrepublik Deutschland, jetztvertreten durch den Direktor des, Robert-Koch-Institutes ("the Robert-Koch-Institut"), the latter having a place of business at Nordufer 20, D-13353 Berlin, Germany, and being present assignee of the application.
2. That hybridoma 8F4, secreting native monoclonal antibody 8F4, was deposited with the Deutsche Sammlung Von Mikroorganismen und ZellKulturen GmbH ("DSMZ"), at Mascheroder Weg 1b, D-3300 Braunschweig, Germany, on April 9, 2002, in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure on behalf of the Applicants and the

Robert-Koch-Institut. The deposited hybridoma was assigned DSMZ accession number DSM ACC2539. A copy of the Receipt of Deposit is attached hereto as Exhibit 1.

3. We hereby assure the United States Patent and Trademark Office and the public that (a) all restrictions on the availability to the public of the hybridoma referred to in paragraph 2 will be irrevocably removed upon issuance of a United States patent making reference to the hybridoma; (b) the hybridoma will be maintained for a period of at least five years after the most recent request for the furnishing of a sample of the deposited hybridoma was received by the DSMZ and, in any case for a period of at least 30 years after the date of deposit; (c) should the deposit become non-viable it will be replaced by the Applicant; and (d) access to the hybridoma will be available to the Commissioner during the pendency of the patent application or to one determined by the Commissioner to be entitled to the hybridoma under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

Respectfully submitted,

Date April 19, 2002

Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)

By: Muna Abu-Shaar

Muna Abu-Shaar
Limited Recognition Under 37 C.F.R. § 10.9(b)
Copy of Certificate Enclosed

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090